

MEETINGS TO DATE 27
NO. OF REGULARS 22
NO. OF SPECIALS 5

LANCASTER, NEW YORK
NOVEMBER 17, 1975

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 17th day of November, 1975 at 8:00 P.M. and there were

PRESENT: LEO N. WEIMER, SUPERVISOR
JOSEPH R. BARNHARDT, COUNCILMAN
EDWARD A. BERENT, COUNCILMAN
PETER J. BOLENDER, COUNCILMAN
ARTEL J. METZ, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
EDWARD J. FERON, JR., TOWN ENGINEER
VICTOR H. OTT, POLICE CHIEF

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their Monthly Reports as follows:

<u>DEPARTMENT</u>	<u>MONTH OR MONTHS OF</u>
Town Clerk	October, 1975
Building Inspector	October, 1975
Dog Warden	October, 1975
Ambulance	October, 1975

COMMITTEE REPORTS:

None

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board
held on November 3, 1975, as presented by the Town Clerk, be and hereby are
approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

November 17, 1975

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that sealed bids be received by this Town Board on
December 1, 1975, up to 8:00 o'clock P.M., Eastern Standard Time, for
supplying No. 2 Fuel Oil to the Town of Lancaster during the year 1976, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to
publish a Notice to Bidders for fuel oil in the Lancaster Enterprise-Journal
and post such Notice as required by law.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

November 17, 1975

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS AND/OR
FUEL OIL DISTRIBUTORS

NOTICE IS HEREBY GIVEN that sealed bids or proposals will be received by the Town Board of the Town of Lancaster, Erie County, New York, up to 8:00 o'clock P.M., Eastern Standard Time, on December 1, 1975, for supplying No. 2 Fuel Oil to be used by the Town during the year 1976, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A check in the amount of \$100.00, payable to the Supervisor of the Town of Lancaster, must accompany each bid.

The Town Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

November 17, 1975

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, it is necessary that the office equipment and furniture
of the Police Department and Town Justice Department of the Town of Lancaster
be moved to the new facility at the Lancaster Town Center, Pavement Road,
and

WHEREAS, Wheaton Van Lines, Inc., by letter of October 24, 1975,
has submitted a proposal for said moving and installation.

NOW, THEREFORE, BE IT

RESOLVED, that Wheaton Van Lines, Inc. be and hereby is retained to
move the office equipment and furniture from the Police Department and the
Town Justice Department at the Town Hall to the Police and Court Building
at the Lancaster Town Center, upon the date or dates to be coordinated by
the Chief of Police, upon the terms set forth in the letter of Wheaton Van
Lines, Inc. dated October 24, 1975.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

November 17, 1975

THE FOLLOWING RESOLUTION WAS OFFERED.
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT, TO WIT:

WHEREAS, Alice M. Morehouse (Becht), 1291 French Road, Apt. 4, Depew, New York, has petitioned the Town Board of the Town of Lancaster for the rezone of certain property situate on the east side of Transit Road north of William Street from an RC, Residence-Restricted Business District, to a C2, General Commercial District, and

WHEREAS, this petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report, and

WHEREAS, the Planning Board and the Planning Consultant have recommended the extension of the rezone property to meet the existing C2, General Commercial District, on Transit Road north of William Street, and

WHEREAS, the Town Board of the Town of Lancaster concurs in such recommendation,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York, a public hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 1st day of December, 1975, at 8:15 o'clock P.M., Eastern Standard Time, and that Notice of the time and place of such hearing be published in the Lancaster Enterprise-Journal and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning pursuant to Section 239 (m) of the General Municipal Law, and that Notice of Hearing be furnished to the Town Clerk of the Town of Cheektowaga, which Notice shall be in the following form:

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 17th day of November, 1975, the said Town Board will hold a Public Hearing on the 1st day of December, 1975, at 8:15 o'clock P.M., Eastern Standard Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from an RC, Residence-Restricted Business District, to a C2, General Commercial District:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being a part of Lot No. 94, Township 10, Range 6 of the Buffalo Creek Indian Reservation, bounded and described as follows:

BEGINNING at a point in the east line of Transit Road, as presently laid out, 703.62 feet north of its intersection with the north line of William Street; running thence easterly 300 feet to a point; running thence northerly and parallel with the east line of Transit Road 618.29 feet to a point; running thence westerly on a line parallel with the first mentioned line 300 feet to a point in the east line of Transit Road, which point is 1321.91 feet north of the north line of William Street; running thence southerly along the east line of Transit Road 618.29 feet to the point of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

Dated: November 17, 1975

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BERENT, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Twin District Volunteer Fire Co., Inc. by letter dated November 3, 1975 has requested the addition to the active roster of the Twin District Volunteer Fire Co., Inc. of the names contained therein,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby adds the following individuals to the active roster of the Twin District Volunteer Fire Co., Inc.:

Mr. John Kroll
533 Lake Avenue
Lancaster, NY

Mr. Jody Lee Huff
3700 Bowen Road
Lancaster, NY

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

November 17, 1975

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, a large number of communities in New York State are presently involved in constructing or planning to construct waste water treatment facilities to improve the environment, and

WHEREAS, the New York State Department of Environmental Conservation and the Environmental Protection Agency have recently adopted additional rules and regulations raising the requirements such municipalities must attain for pollution abatement, and

WHEREAS, such new rules and regulations place a substantial increased tax burden upon the taxpayers who must ultimately pay for special sanitary sewer improvement districts, and

WHEREAS, the present rules and regulations of said Department of Environmental Conservation and Environmental Protection Agency require extensive examination, appraisal, repair and modification of existing facilities, creating an additional tax burden,

NOW, THEREFORE, BE IT

RESOLVED, that the State Legislature enact legislation increasing the operation and maintenance reimbursable funds from the State of New York to New York State communities from 33-1/3% to 50%, and

BE IT FURTHER

RESOLVED, that the State of New York participate in the costs for the necessary studies, analysis, repair and restoration of existing Sanitary Sewers as required by the rules and regulations for elimination of Inflow and Infiltration into local communities' sanitary sewer districts, and

BE IT FURTHER

RESOLVED, that the payment of monies to local communities be made within thirty (30) days following annual approval by the Department of Environmental Conservation of the operation and maintenance of waste water

treatment facilities, and

BE IT FURTHER

RESOLVED, that a financial impact statement be prepared prior to the adoption of any additional rules and regulations modifying the criteria or standards local municipalities must adhere to in the construction, operation and/or maintenance of waste water treatment facilities, and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster forward a copy of this resolution to Governor Hugh Carey of the State of New York, State Senator Dale Volker and State Assemblyman Vincent Graber, along with a request that legislation be immediately prepared and adopted implementing this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~and~~
The resolution was thereupon unanimously adopted.

November 17, 1975

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that the following transfers within the General Fund
of the Town of Lancaster be effected:

	<u>Account</u>	<u>From</u> <u>Amount</u>	<u>Account</u>	<u>To</u> <u>Amount</u>
<u>Town Justices</u>				
Contingent	1990	\$ 1100.00		
Contractual Expense			1110.4	\$ 1100.00
<u>Auditor</u>				
Contingent	1990	3000.00		
Contractual Expense			1320.4	3000.00
Contingent	1990	15.81		
Judgements & Claims			1930.	15.81
Contingent	1990	718.48		
Bond & Note Issue Expense			1960	718.48
<u>Historian</u>				
Contractual Expense	7510.4	15.00		
Historical Property			7520.4	15.00

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon ^{unanimously} adopted.

November 17, 1975

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BERENT, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc. by letter dated November 10, 1975 has requested the additions and deletions to the active roster of the Town Line Volunteer Fire Department, Inc. as contained therein

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby adds and deletes the following individuals to the active roster of the Town Line Volunteer Fire Department, Inc.:

ADDITIONS

Walter J. Szczublewski
266 Westwood Road
Lancaster, NY 14086

John A. Dewitt
990 W. Alaura Drive
Alden, NY 14004

Larry G. Budd
11476 Westwood Road
Alden, NY 14004

Michael J. Green
1258 Town Line Road
Alden, NY 14004

Richard J. Kulinski
296 Westwood Road
Lancaster, NY 14086

David J. Mathis
503 Pavement Road
Lancaster, NY 14086

John G. Burzynski
6085 Broadway
Lancaster, NY 14086

DELETIONS

Lewis Demerest
573 Ransom Road
Lancaster, NY 14086

Edmund L. Onetto
423 Erie Street
Lancaster, NY 14086

Richard D. Buchholz
47 Glendale Drive
Lancaster, NY 14086

Donald Reed
11375 Broadway
Alden, NY 14004

Francis Nuwer
538 Ransom Road
Lancaster, NY 14086

Kenneth Kratzer
5812 Broadway
Lancaster, NY 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

November 17, 1975

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BOLENDER, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 2745 to 2910 Incl.	\$46,110.37
Special District Funds	No. 66 to 69 Incl.	\$ 8,153.11
Part Town Funds	No. 241 to 245 Incl.	\$ 962.01
Highway Funds	No. 646 to 666 Incl.	\$12,415.71
Trust & Agency Funds	No. 90 to 90 Incl.	\$ 50.00
Federal Revenue Sharing	No. 145 to 145 Incl.	\$ 108.00
Capital Fund	No. 163 to 174 Incl.	\$145,114.57

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

November 17, 1975

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN METZ , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

RESOLVED, that the following Building Permit Applications be and are
hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
134	James Korn	9 Glendale	EX. FR. SING. DWLG.

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

November 17, 1975

STATUS REPORTS ON UNFINISHED BUSINESS:

1. Utilities - Feasibility Study

On September 15, 1975 Mr. William D. Mahaney of Clarence Rainess and Company attended the Town Board Meeting and answered questions from the public relative to the data contained in the report prepared by his firm entitled "Economic Overview of the Municipalization of a Fuel Gas Distribution System."

2. Walden Pond Park - Federal Assistance Application

On June 3, 1975 the Town Clerk notified Congressman Kemp of this Town Project and asked for his assistance in obtaining Federal Aid.

On August 21, 1975 Mr. A. Russell Tryon, the Town Planning Consultant on this project, requested a status report from the Grant's Manager of the Niagara Frontier Parks Commission.

On October 20 the Town Clerk wrote to Congressman Kemp and requested his support and a status report on this project.

3. Town Line Speed Reduction

On August 18, 1975 the Town Board adopted a resolution requesting the County of Erie and the Town of Alden to join with them in requesting a survey and evaluation of the existing 55 m.p.h. speed limit on Town Line Road from Broadway north to the Erie-Lackawanna Railroad.

On September 8, 1975 the New York State Dept. of Transportation acknowledged receipt of the Town Board's resolution in this matter and indicated that upon receipt of a similar request from the Town of Alden, they would initiate a traffic engineering investigation on this highway.

4. Rezone Petition - Alice Morehouse

On November 17, 1975 the Town Board set a Public Hearing on this petition for Monday, December 1, 1975.

PERSONS ADDRESSING THE TOWN BOARD:

None

COMMUNICATIONS:DISPOSITION

400. Town Clerk to Town Board - Resume of actions taken in response to resolutions and directives of 11/3/75.	R & F
401. Senator, James L. Buckley to Town Clerk - Acknowledgement - Receipt of letter regarding renewal of federal general revenue sharing program.	R & F
402. Walter G. Mallick to Chief Ott - Cost estimate - Equipment and furniture moving to Lancaster Center.	R & F
403. Jerry F. Kline, Secretary, Twin District Volunteer Fire Co., Inc. to Town Board - Notification - Addition of John Kroll and Jody Huff to active roster.	R & F
404. Dept. of Environmental Quality to Supervisor - Re: Notes of the 208 Committee Meeting, October 21, 1975.	Planning Brd. Chairman Planning Committee
405. Erie & Niagara Counties Regional Planning Board to Supervisor - Seminars - Local Regulatory measures.	Planning Brd. Chairman Building Inspector
406. Association of Towns to Supervisor - Transmittal - Voucher for 1976 dues.	Supervisor
407. N.Y.S. Dept. of Env. Conservation to Supervisor - Transmittal - Copy of second draft of rules and regulations to implement State Environmental Quality Review Act and transmittal - Copy of Statewide Public Hearing.	Planning Committee
408. President, Lancaster Board of Education to Town Board - Re: Drainage at Court Street Elementary School.	Investigating Committee
409. Western New York Utilities Assoc. to Town Clerk - Recommendation - Coordination pre- planning and planning of projects with towns, their engineers, consultants, and utility representatives to minimize impact on those involved.	Town Engineers Cap. Improv. Committee
410. Congressman Kemp to Town Board - Acknowledgement - Receipt of copy, completed "Brock Revenue-Sharing Questionnaire."	R & F
411. Supervisor to Town Board - Investment of funds at Marine Midland Bank-Western on November 3, 1975 for total dollar earning of \$894.58.	R & F
412. Krehbiel, Guay, Rugg, and Hall to Town Board - Re: Town of Clarence - Water Line Installation.	Erie & Niag. Reg. Plan. Brd.
413. Secretary, Town Line Fire Dept. to Town Clerk - Request additions and deletions to active roster.	R & F

COMMUNICATIONS:DISPOSITION

414. Secretary, Town Planning Board to Town Clerk -
Re: Petition of Alice M. Morehouse Rezone.
415. Amherst Town Clerk to Town Clerk -
Re: Notice of Proposed Zoning Change - Town of Amherst.
416. Erie & Niagara Counties Regional Planning Board to Supervisor -
Request participation in Coastal Zone Management & Water Quality Management Program - Policy Advisory Committee Meeting - November 20, 1975.
417. The Giallanza Corp. to Town Clerk -
Transmittal - Application for approval of Countryside Subdivision.

Public HearingPlan. Brd. Chairman
Tryon & SchwartzPlan. Brd. ChairmanPlan. Brd. ChairmanADJOURNMENT:

ON MOTION OF COUNCILMAN BARNHARDT, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 8:20 p.m. out of respect to:

CORA L. BARNABY

Signed

Robert P. Thill

Robert P. Thill, Town Clerk